



SECTOR #3

Attorney Docket No. 00146/LH

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant(s): Hitoshi KARASAWA
Serial No. : 09/521,367
Filed : March 8, 2000
For : TROCAR SHEATH TUBE
Art Unit : 3731
Examiner :

PETITION TO ACCEPT TIMELY FILING
OF PAPERS UNDER 37 CFR 1.8

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on the date noted below.

Attorney: Leonard Holtz

Dated: September 8, 2000

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 06-1378.

S I R :

Applicant hereby petitions to accept timely filing of the executed Declaration which was mailed to the Patent Office on May 18, 2000 with a Certificate of Mailing under 37 CFR 1.8.

If any fees are required in connection with this Petition, authorization is given to charge the Petition Fee or any other fee against Account No. 06-1378.

Upon conducting a routine check of receipt of return receipt postcards, it was discovered on August 16, 2000 that our return receipt postcard for the submission of the signed Declaration (mailed to the Patent Office on May 18, 2000 with a Certificate of Mailing under 37 CFR 1.8) was not received. A telephone call was placed to the Patent Office (Mr. Lover - 703-308-1202) and we were informed by Mr. Lover that he would order the file and call us back. Not having heard from Mr. Lover, another call was placed to the Patent Office on August 28, 2000. The

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undersigned's secretary Ms. Sharon Portnoy, spoke with Diane Jones who took our message and stated that she would have Mr. Lover call us back the next day. No return call was

received. On August 30, 2000, another call was made to the Patent Office and a message was left for the recipient. On August 31, 2000, Ms. Sharon Portnoy of our office called again and spoke with Sean Hill who stated that he would get the file and call her back. Finally, on September 1, 2000, Mr. Sean Hill called Ms. Portnoy back and informed her that, according to the file, the Patent Office has no evidence of receipt of the signed Declaration or of the Patent Office late-filing fee of \$130.00.

A search was conducted in our office and a return receipt postcard for the signed Declaration could not be found, nor could we find a cancelled check for the Patent Office late-filing fee of \$130.00.

This paper is being filed promptly after becoming aware that the Patent Office has no evidence of receipt of the correspondence, and after conducting a search in our office with respect to the return receipt postcard and the cancelled check for payment of the Patent Office fee.

Attached hereto is an additional copy of the correspondence which was previously timely mailed to the Patent Office on May 18, 2000 with a Certificate of Mailing under 37 CFR 1.8. The correspondence is as follows:

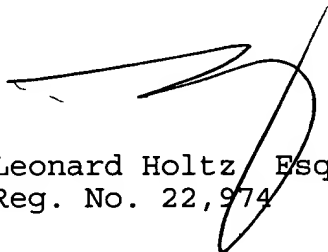
- a. Paper entitled SUBMISSION OF SIGNED DECLARATION;
- b. Photocopy of executed Declaration;
- c. Photocopy of check for \$130.00 which was included with said SUBMISSION OF SIGNED DECLARATION; and
- d. Copy of return receipt postcard which was sent to the Patent Office with the materials identified in a.-c. above.

The undersigned hereby states that to the best of his knowledge, the papers identified above were properly mailed to the Assistant of Commissioner of Patents on May 18, 2000, by

Ms. Sharon Portnoy. Attached hereto is a Declaration of Sharon Portnoy, the undersigned's long-term secretary, who actually the mailed the papers.

In view of the foregoing, it is respectfully requested that the Patent Office consider the attached papers as being timely filed, and it is respectfully requested that prosecution on the merits now proceed.

Respectfully submitted,



Leonard Holtz, Esq.
Reg. No. 22,974

September 8, 2000

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